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THE
CASE
Betwixt

Mr. POOL, and Mr. CORNELIUS BEE;
Considered and Decided.

DEAR NEPHEW,



Could do no less than gratifie your desires in imparting my opinion to you, touching the Difference betwixt Mr. Pool and Mr. Bee, having diligently perused and weighed the printed Papers on both sides; whereupon, I must needs tell you, I am undeceiv'd in my thoughts, which were, That Mr. Pool undertook his Design with the full consent and good liking of Mr. Bee: But now I apprehend it very far otherwise, and that Mr. Pool hath engaged himself (and others) in his Undertaking, not onely contrary to the mind of Mr. Bee, but to his own Promise to him, before Mr. Bee's going into Holland: And for the better securing of himself in his Proceedings, hath advised with two learned Lawyers, to know whether he hath not as just a Title to and Property in Mr. Bee's goods, (viz. the *Nine Volumns* of the *Criticks* printed for himself and others) as he himself hath. It is resolved by his Counsel, First, That the grant of the sole printing the *Criticks* doth not prohibit the printing of a Synopsis made out of the *Criticks*, &c. any

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more than the grant of the sole printing of the Bible doth prohibit the printing of a Sermon or Concordance. Secondly, the Opinion of Mr. Jones is, That Mr. Bee hath no injury done to him by Mr. Pool, and by consequence, can have no remedy either in Law or Equity.

I would humbly present this Reply to the Opinion of these Two Learned Gentlemen, (it being that which mainly animates Mr. Pool to his vigorous proceedings in this Work) That the A^ct of Parliament, mentioned in the Papers (printed betwixt them) is intended to secure every mans propriety in that kind, from any open or surreptitious intrenchment upon it, (the Proprietor observing the requisite circumstances of the said A^ct, as due Entry in the Register Book of the Company of Stationers at their Hall, &c.) So that there is nothing appears more evident than the Reason of that A^ct, (and the Reason of the Law is properly the Law) which is destroyed, if another man lay hands upon my just and proper goods, and so order and dispose of them at his pleasure, that my interest is not onely prejudiced, (which the said A^ct hath provided against) but overthrown and extinguished. It's true, Mr. Pool pretends not to print Mr. Bee's Criticks either the whole, or any one of the Nine Volumes; but he would have the World understand, That he will take care to collect (out of them) what ever belongs to the Explication of Scripture, &c. which is the intent of the Seaven first Volumes of the Criticks directly, of the Two last redactively: So that, if we may believe Mr. Pool, he will leave Mr. Bee the bare sceleton onely, and make use of the rest himself; which, how contrary it is to the manifest reason and intent of the mentioned A^ct, any ingenuous Arbitrator will easily judg. Mr. Pool cuts here and there a piece out of my gown, when he hath so done, he calls them his own, then bids me be quiet, and sends me word his Counsel tells him, *He does me no injury, and I have no remedy in Law or Conscience.* For my part, I cannot but apprehend Mr. Bee to have as just a right and propriety in the Criticks, as Mr. Pool hath to the jump upon his back, who doubtless would count himself as much wronged, by having it mangled to pieces, as to have it violently taken from him, though the Learnedst Lawyers in the Land should tell him he is not injured, and hath no remedy in Law or Equity. For the printing a Sermon or Concordance, neither of them prejudice the Grant of sole printing the Bible, it being no ways destructive to the Reason of that A^ct for Printing, nor doth that weaken, much less nullifie the interest of him or them to whom the Grant is indulged: for again I must affirm that if the reason of the Law (every way essential to it) be abandoned, it is but called what it is not, as the man is called a man when his Soul and body are parted: Had Mr. Pool printed twenty Sermons, and in them quoted Mr. Bee's

Criticks an hundred times, or instead of a Concordance extracted an Index or Indices, possibly Mr. Bee might have been so far from thinking his interest violated, that he might have judged of it much otherwise. But in the absence of Mr. Bee, that Mr. Pool contrary to his promise (as if the word of a Priest were not sacred, and the breach of it execrable) to project a way to draw the plank from under him, which was principally, if not onely, left him to get to shore after that Fatal Fire had consumed the bottom (*Sion Colledge*) wherein he had embarked so great a Treasure of Learned Authors, and among the rest, the far greater part of that costly Edition of the *Criticks*, is a thing, wherein no Counsel does, or can excuse him. I cannot imagine what claim Mr. Pool presumes to Mr. Bee's goods, unless it be for coming within the walls of *Sion Colledge*; this I am assured of, were there no Law to enforce it, yet Conscience and Honesty would be, and do like it self.

Besides the forementioned Act, considered in the true reason of it, Mr. Bee thought himself (as he very well might) further, and more fully confirmed in an undoubted property in his own goods, by his Majesties Royal and gracious privilege (a favour usually indulged by most Princes in Christendom to Merchants for books, with a severe penalty to any that shall presume to do any thing that shall violate their Mandates) prefixt to the first Volume of the *Criticks*: The learned Lawyer may reply in a Case of a different nature, (yet the same in issue) and tell us, *That the Kings Declaration is not a pardon in point of Law, unless under the Broad Seal, yet God forbid but it should bind in point of honour.* His Majesties gracious privilege vouchsafed to Mr. Bee, corresponding with an Act (the Kings Law) gives him as just an interest in the *Criticks*, and secures him from any damage, as much as any man can be secured in goods of that nature.

This I have written to you (kind Nephew) to satisfy you as to the Velitations betwixt Mr. Pool and Mr. Bee; and further, I assure you, it was not long after that dismal fire in London, that Mr. Bee desired my advice about raising his *Criticks* out of their ashes by a second Edition, (this was long before Mr. Pool was heard of to have any such design in hand) and accordingly (having read over the nine Volumes of the *Criticks*) I directed him about the conveniency of laying aside some of those Authors in the former Edition, and the inserting some not formerly taken in, as also the reducing and applying several of those excellent tracts in the Appendices, to their proper places, besides many other rare pieces, heard of, and found out since. This I signify to you, because Mr. Pool was so difficult to give credit to Mr. Bee when he assured him of his resolution in that kind: And lately I hear Mr. Bee hath printed a *Specimen* of his intended purpose, but have not yet seen it.

You desire to know my mind touching your Subscription for the *Synopsis*, (the *Specimen* whereof you sent me) I should be loath to encourage you to that, which I see so much reason not to do my self: Besides the apparent wrong which is done and accrues to Mr. Bee by this undertaking, Let me tell you, I have bestowed a diligent perusal upon the printed *Specimen* sent abroad by Mr. Pool. In one of them, (for I have seen two several ones) I suppose the first, I discovered several mistakes; enough to allay my hopes in the following work, when that which was sent into three Kingdoms (if no further) to invite their hands to his assistance, was so grossly overseen. The next time the same sheet came abroad mended in some of its former errors, yet still it wants not some, and those considerable (which if you have not found, when I see you, which I hope shortly, I shall convince you of) far from that accurateness pretended, that I verily believe it will not make any Atheist cry, nor a jot divert him from his Lucianick laughter: Now Sir, if this *Specimen* that is sent abroad, which doubtless hath had thousands of eyes upon it, labours of such defects (to say no more) and so many as I have not found in half the nine Volumes of the Criticks (to the honour of those learned and worthy persons, who had the oversight of that work, I speak it) what may we expect in the following sheets, which are not to come to our sight, till we have the first of his three promised Tomes?

I assure you, I am so sensible of the damage done to Mr. Bee by Mr. Pool in this business, (who would make the world believe he hath Law and Conscience of his side) that I cannot omit the acquainting of you with one passage I was a present witness of in Oxford, where Mr. Bee had contracted for a small number of Criticks (before Mr. Pool had proclaimed his project to the world) and it was my hap to be in Oxford again, when Mr. Bee had the said small number of Criticks delivered to him upon his former contract; where I heard him, freely offer fifty pounds to be released of his bargain, Mr. Pools *Specimen* being abroad before the delivery of the books, which was not heard of before he contracted for them (such is the fortune of new things) so much damage Mr. Bee sustained by Mr. Pools means, in a small number; though there is no question, but the ground and reason of the Act of Parliament, and his Majesties Royal Privilege, are intended to protect him from any damages in that kind: If you duely consider it, you will easily understand, that as well the Printing of the Criticks, as of any other books whatsoever (be the books never so useful and valuable) if they be lyable to the pleasure of every Epitomizer, as it is enough to discourage any noble Undertaking, so to undo the Undertaker.

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You perceive by the papers, that Mr. Bee hath shewed his readines to commend his design to the Reverend Convocation now sitting, and to submit his work to their advice and direction, either for Epitomizing his *Criticks*, or the setting forth another Edition: Mr. Pool is a person that I know not, but they that do, and are very able to judge, deem him in several respects very unfitting for such an undertaking, and many (nay most) of the learned Clergy in this Country are of the same opinion, and plainly say, *Have we no Files of our own, but must go to the Philistines to whet our Coulters?*

Kind Nephew,



Received lately a sheet of paper, set forth by Mr. Pool, a great part whereof is only a Repetition of his former Vindication (as he calls it) Subscribed by two Lawyers, enlarged now to five in all: I gave you my thoughts upon the former, you desire the like in this: I shall not loose so much time as to reply any thing to the mans confident words, he hath little to do that reads them a second time.

What Mr. Pool hath said in his last (should he make his Vindication as large as he intends his *Synopsis*) it will be but slender satisfaction to any impartial understanding, till he answer the reason of the Act 14. Car. 2. (as I intimated to you in my last) the reason (I say) of that Act, for the most learned Lawyers in their books tell me, that Reason is the Law of the Law: and the design of the foresaid Act is to secure every mans propriety in the books he Prints, justly and duly observing the conditions required in the Act, which Mr. Bee makes it appear he hath done.

Mr. Pool assures us, he hath as ample a priviledge for the Printing of his *Synopsis*, as Mr. Bee for his *Criticks*, and that none shall Print, or Sell his Book, but whom Mr. Pool shall appoint: Grant it to be so, let me ask Mr. Pool in his ear, if Mr. Bee's security by a Law confirmed to him, as also by his Majesties Royal Priviledge, does not defend him against Mr. Pool's intrusion upon, and violation of his due right interest, whether does it secure him from having the like usage? Ah he confidently presumes he may legally practise towards Mr. *Criticks*: Mr. Pool says, is this; he does not intend to Print Mr. Olme, Mr. Well, mark it! when Mr. Pool hath set forth his something from Bee possibly, or some other, may adde to, or doe alteration in his *Synopsis*, (for nothing is more easy) and make practise, besides method forsooth, and for so doing Mr. Pool the

the opinion of five learned in the Law, is ready to witness against him, otherwise it will not appear as justifiable in the one as in the other: And if Mr. Pool finds the like usage from Mr. Bee when his first Volume is produced, and Mr. Bee cries it about the three Kingdoms as Mr. Pool hath done, I will not give him two pence for his vigorous proceedings in his second and third Volume. Its true indeed; Mr. Pool makes not use of such faint Politicks, but will keep the warmer side of the Hedge, for he hath got enough into his Hands to bear Charges, and is resolved to wade no further than he will be sure to come off alive: I must needs say Mr. Bee hath shewed great ingenuity all along, in those rare pieces he hath Printed; for he was willing to shew him that bought his Books what he had for his Money, and left him to himself whether he thought good to buy or not: Mr. Pool is upon far different termes, and sells his Subscribers, *as a Pigg in a Poke*, as we say in *Tork-shire*.

In the next place, I cannot understand where Mr. Pool finds the Absurdity of Mr. Bee in the stating of his Case, which, to any man that reads his Papers, appears to be thus, viz. Whether the *Criticks* were Mr. Bees? and consequently, whether Mr. Pool, or any other, might assay any thing with, or about the *Criticks*, destructive to Mr. Bees interest and propriety. And where does Mr. Pool's perspicacity find Mr. Bee mistaken, or absurd in the stating of his case? Hereupon, I suppose (not without as good reason as Mr. Pool produces any) that *Sion Colledge* (where Mr. Bees treasury of books was) being burnt down, if Mr. Pool builds upon the ground where it stood, and makes the buildings less than before (Epitomizes them) and claps his Bills up on the Door, or upon the Exchange, signifying that if any man hath a mind to be his Tenant, (though the rooms are not so big, yet they the price are as commodious, and) they shall have them for a third part they were at formerly, that he does the owners of that ground as little injury, as he does to Mr. Bee in this Case; for he hath as much right to his *Criticks* by the Law (though they are most of them burnt) as any man hath, or had, to his House or the Ground whereon up his House stood: Mr. Bee hath a mind to build his house again himself upon his own ground and foundation, what reason hath any man to less (Epi? If he takes not in all his ground, but builds his rooms he not havees his *Criticks* himself, which I hope he will not do) shall his own, and wherby allowed by the Law to do what he please with What if Mr. Bee be reasonable to grant every man in those cases? according to his *specimen* as large as before, Prints, I mean; the *Criticks* intends, it will be the *work* (which if he proceeds to do, as he eminent work, next the *Sacred Bible* that

that ever the Christian world enjoyed) suppose it amounts to a round price; Mr. Pool will direct any man to an expedient that hath not vol. to purchase it, or time to read such large Volumes, and will assure him where he shall have the most material Authors, if not all of them, for a small matter, Mr. Bee hath sunk the prizes of them so low, by hooking them (as it pleases Mr. Pool to call it) into his *Criticks*: Mr. Pool intends to take in the *Bib. Max* and many other Authors (he names) into his *Synopsis*, and to squeeze the virtue out of them, which if he does, we shall hope to have those voluminous Authors for a Song, or as cheap as Marrow Bones in the street, when Mr. Pool hath suckt out the Marrow, as he confidently would persuade his Subscribers, and all that are so credulous as to take his word for it.

It is suggested in Mr. Pool's last paper, that his warrant is good for his proceeding vigorously in his business, because, though he makes bold with Mr. Bee's *Criticks*, yet he extracts also out of several other Authors. This justifies him not a jot, or no more than if any man should think he might lawfully export prohibited commodities out of the Kingdome of England, if he carries along with those prohibited goods several others that are allowed, to bear them company; there is as little to be said against Mr. Pool should he undertake the epitomizing of Mr. Bee's *Criticks* only, as if he takes in *Bib. Max. Casetan. Ainsworth, &c.* into his *Synopsis* to go along with them. I believe the Law will not excuse him that practises the former, which if it does not, it can never justify Mr. Pool for doing the latter, for it necessitates the ruining Mr. Bee's interest in reference to his just right in his *Criticks*.

For Mr. Pool's two concluding cases, and his *Queries* upon them, he may take these few concluding considerations. First, If his Doctor be so Reverend, very Learned, and Worthy, as Mr. Pool represents him, he will do nothing unworthy of all those titles: If he hath epitomized Mr. Bee's *Criticks*, and drawn in collections out of divers other Authors, much of Mr. Pool's labour is done to his hand: when the Dr. pleases to set forth his *Specimen*, if it appears that he hath not undermined Mr. Bee's propriety, I shall wish him God speed. Further if Mr. Pool's Doctor be such as he sets him forth, viz. Reverend, very Learned, and Worthy, Mr. Bee may possibly supersede and suspend his interest, in hopes that the publique may be served by a person of such eminencies, which he hath great reason to doubt are very hardly to be found in Mr. Pool. Again, those excerpctions of the Doctors, gathered out of the Authors which Mr. Bee hath taken into his *Criticks* before Mr. Bee's *Criticks* came forth (which is about 8. years since) were supposed by the Doctor either to be prejudicial to Mr. Bee's interest,

rest, or very little beneficial to the publick, otherwise he would not have concealed them in long, and at last revealed the secret to Mr. Pool to make a merry of. I believe Mr. Pool's Doctor hath not epitomised the *Confite*, because it is rarely done to private use by Reverend and very Learned Doctors.

For *Speech Chronicle*, *Debenham*, *Boys*, and others, if upon an extract out of them all, those that have the privilege of sole Printing them are not injured, or are not without some think themselves injured, what concerns it Mr. Bee to become an Apologist? And for Mr. Pool to argue *a facto ad jus* is no less a Cipher for the consequence. Doubtless Mr. Bee is wronged by Mr. Pool's unrighteous attempt, apparently against that which must necessarily be acknowledged to be the reason of the Law, by all that essentially weigh it, otherwise they must conclude a very different matter to find any in it.

When you have seen what I have said to Mr. Pool, acquaint the Book-sellers and Printers, who used to print books worth a Scholar's reading, that they may secure themselves by Subscriptions ere they begin, or else fortune themselves with a strong belief, that when they have bestowed some thousands of pounds in Printing of an Author, the epitomizing of it will do them no injury, (unless by chance it undo them). What would they think that have the Copy of Serjeant *Jones* his *Common-place book* (now set forth, and sold for forty shillings) should any man fall to epitomizing, paring something off, and inserting something into it out of other Law-books, changing the method, all which are feasible) and sell the world that the Book is Large, the Price Great, and some have not so much time as to read such a Volume, others not money, as to the price of it. I would not expect the University to lose more than one pound: for suppose the Epitomizer sell his Subscribers he would sell his *Synopsis* for the third part of the price, and they should have for their money all that's Material in the large Volume, better the Marrow of many a rare book to boot, and it's fitting all sorts of Lawyers should be accommodated, it would rather be pocketed of so much good white paper, then the large Printed book. If men be desirous to believe that all these things may be done, let them repair to Mr. Pool, and he shall with a great confidence assure them (and that with authority) that they receive no injury by all this.

FINIS.